

Mao Declaration in Opposition  
to Google's Motion for  
Summary Judgment

Ex. 2 Document Sought to  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

PATRICK CALHOUN, et al., )  
CHASOM BROWN, et al., on )  
behalf of themselves and )  
all others similarly )  
situated, )  
Plaintiffs, )  
vs. ) Case Nos.  
GOOGLE LLC, ) 4:20-cv-5146- and  
Defendants. ) 5:20-cv-05146-  
YGR-SVK

\*\*\* CONFIDENTIAL ATTORNEYS' EYES ONLY \*\*\*

REMOTE VIDEO DEPOSITION OF  
SABINE BORSAY - VOLUME II

DATE TAKEN: JUNE 30, 2022  
REPORTED BY: RENEE HARRIS, CSR 14168, CCR, RPR  
JOB NO. 5268903  
PAGES: 173 - 350

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  )

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Remote Video Deposition of SABINE BORSAY,  
Volume II, taken in Zurich, Switzerland and Zoom  
Conference Video, commencing at 1:02 p.m., CEST,  
Thursday, June 30, 2022, before Renee Harris,  
CSR No. 14168, Registered Professional Reporter.

1 lying when you wrote that "Incognito mode does, is  
2 clear your browsing history from your device when  
3 you close the window"?

4 MS. CRAWFORD: Objection. Argumentative.

5 You can answer. 01:14:28

6 THE WITNESS: So the thing I can say is  
7 that I apparently wrote that. But I'm happy  
8 to explain the functionality of Incognito if  
9 you're interested in hearing that.

10 BY MR. LEE: 01:14:39

11 Q. I just want to know that the statement  
12 that you wrote, that "The only thing Incognito  
13 Mode does is clear your browsing history from your  
14 device when you close the window," I want to know  
15 if that was the truth or a lie. 01:14:46

16 MS. CRAWFORD: Argumentative. Also  
17 mischaracterizes the witness's testimony.

18 THE WITNESS: I think that the browser  
19 and also Incognito Mode does a lot of things  
20 while someone is browsing, and I'm not 01:15:00  
21 talking about all of those things.

22 So I think I phrased it really not likely  
23 here because there are certainly more things  
24 that a browser knows Incognito does.

25 ///

1 BY MR. LEE:

2 Q. Are you done with your answer?

3 A. Yeah, but I'm happy to explain the  
4 functionality.

5 Q. Incognito Mode has never actually stopped 01:15:21  
6 Google, and I'm saying Google, from collecting  
7 Chrome users' browsing information; correct?

8 MS. CRAWFORD: Objection. Foundation.  
9 Form of the question. Incomplete  
10 hypothetical. 01:15:35

11 You can answer.

12 THE WITNESS: I have no insights what  
13 data, information Google may or may not  
14 collect.

15 BY MR. LEE: 01:15:53

16 Q. Do you believe that Incognito Mode stops  
17 Google from collecting users' browsing  
18 information?

19 MS. CRAWFORD: Same objections.

20 THE WITNESS: I would even like to 01:16:00  
21 understand what you mean with Google here.

22 BY MR. LEE:

23 Q. You don't know what Google is?

24 MS. CRAWFORD: Misstates the witness's  
25 testimony. Argumentative. 01:16:07

1 BY MR. LEE:

2 Q. Mrs. Borsay, do you not know what Google  
3 is?

4 A. That's not what I said. I asked if you  
5 can specify your question in order for me to be 01:16:14  
6 able to answer it.

7 Q. Sure.

8 A. To --

9 Q. Let me rephrase it.

10 As the product manager of Chrome Privacy, 01:16:23  
11 where you were in charge of managing the Incognito  
12 Mode feature. Can you tell the jury whether  
13 Incognito Mode stops Google from collecting Chrome  
14 users' browsing information; yes or no?

15 MS. CRAWFORD: Objection to the form of 01:16:45  
16 the question. Foundation. Assumes facts.  
17 Vague.

18 You can answer.

19 THE WITNESS: Again, I would first not  
20 know exactly what you mean with Google. 01:16:54

21 Second, I do not have insights into what  
22 data Google may or may not collect. I'm  
23 happy to talk about Chrome Incognito Mode's  
24 behavior.

25 ///